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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,672	09/18/2008	Lanny Leo Johnson	RXPT-080505.015	5085
34142 7590 06/08/2009 GALLAGHER & DAWSEY CO., L.P.A. P.O. BOX 785 COLUMBUS, OH 43216				
EXAMINER				
BLAU, STEPHEN LUTHER				
ART UNIT		PAPER NUMBER		
3711				
MAIL DATE		DELIVERY MODE		
06/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

**Application No.**

10/572,672

**Examiner**

Stephen L. Blau

**Applicant(s)**

JOHNSON, LANNY LEO

**Art Unit**

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 30 April 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Stephen L. Blau/  
Primary Examiner, Art Unit 3711

Continuation of 5 Other: The response to the election requirement is not responsive in that species 14 was elected with claims 1, 5, 7, 8, 14, 16, 19, 20 and 21 stated as reading on species 14. In the Examiner's election requirement species 14 is directed to figures 33-34. Figures 33-34 shows no single groove extending along a length of the striking face. In addition, the Examiner did not find in the specification anywhere that states figures 33-34 is able to be modified to have a single groove as defined. Embodiment for figure 9 shows this single groove. Unless an embodiment shows a feature or it specifically states in the specification that a specific embodiment is able to have a feature from another embodiment the Patent Office does not consider that features from one embodiment to be able to be automatically transferable to other embodiments. Since the independent claims 1 and 7 require the putter to have a single groove it is the opinion of the Examiner that none of the claims selected read on the elected species of figures 33-34. Either the claims need to be amended to read on figures 33-34 or a different species needs to be selected which read on the selected claims. .